

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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NICHOLAS BEIERLE  
on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

Case No. 13-C-1280

BR METAL TECHNOLOGY,

Defendant.

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ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT AND CERTIFYING CLASSES PURSUANT  
TO 29 U.S.C. 216(b) AND FED. R. CIV. P. 23

WHEREAS, an application for an order preliminarily approving the settlement of this litigation has been filed as stated in the parties' Settlement Agreement and Release of Claims ("Settlement Agreement") which, together with the exhibits attached thereto, sets forth the terms and conditions for a proposed settlement of the litigation and for dismissal of this litigation upon the terms and conditions set forth therein;

WHEREAS, the Court has read and considered the Settlement Agreement, the exhibits attached thereto, and the briefing submitted in support of preliminary approval of the settlement;

IT IS ORDERED:

1. The Settlement Agreement and the terms set forth therein are preliminarily approved as fair, reasonable and adequate. The Settlement Agreement is the result of arm's-length negotiations between experienced attorneys who are familiar with class action

litigation and with the legal and factual issues of this case. The settlement terms negotiated by the parties and described in the Settlement Agreement are a fair and reasonable resolution of a bona fide dispute between the defendant, the named plaintiff and the class members;

2. The pleadings and arguments of the parties in this litigation and in support of the Joint Stipulation for Conditional and Class Certification and for Preliminary Approval of Class Settlement has been considered and the court finds that the proposed settlement classes are proper and that it has jurisdiction over the claims and parties in this case.

3. Solely for purposes of the proposed settlement, the following opt-in settlement class is conditionally certified pursuant to 29 U.S.C. § 216(b):

The FLSA Class. All persons who are or have been employed by BR Metal as an hourly employee between November 13, 2010 and May 2, 2014, who were denied compensation for all hours worked as a result of BR's time clock rounding policy.

4. Solely for purposes of the proposed settlement, the following settlement class is certified pursuant to Rule 23 of the Federal Rules of Civil Procedure:

The Wisconsin Class. All persons who are or have been employed by BR Metal as an hourly employee between November 13, 2011 and May 2, 2014, who were denied compensation for all hours worked as a result of BR's time clock rounding policy.

5. Hawks Quindel, S.C. shall serve as class counsel for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. Collective Class.

6. Nicholas Beierle shall serve as representative for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. Collective Classes.

7. A fairness hearing will be conducted on June 25, 2014, at 2:00 PM in Courtroom 222.

8. The Class Notice and Consent Form enclosed as Exhibits 1-2 to the parties' Settlement Agreement are approved as to form and content. The court further finds that distribution of such documents in the manner set forth in the Settlement Agreement is the best notice practicable under the circumstances, constitutes due and sufficient notice to all individuals entitled thereto and meets the requirements of federal law and due process.

Dated at Milwaukee, Wisconsin, this 2nd day of May, 2014.

BY THE COURT

/s/ C.N. Clevert, Jr.

C.N. CLEVERT, JR.

U.S. DISTRICT JUDGE